

ORDINANCE NO. 46-660

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2005-15**

Zone change from “SF-5” Single-family Residential District to “LI” Limited Industrial District, on property described as:

All of Reserve “B”, Wichita Concrete Pipe Addition, Wichita, Sedgwick County, Kansas, together with that part of Reserve “A”, Reserve “C”, and Lot 1, Block A, in said Wichita Concrete Pipe Addition lying in the NW ¼ of the NE ¼ of Sec. 32, Twp. 26-S, R-1-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

Generally located south of 37th Street North and west of Broadway.

**SUBJECT TO THE PROVISION OF PROTECTIVE OVERLAY DISTRICT #156:**

1. The subject property shall be limited to the following uses: (a) Outdoor storage of concrete products and materials related to the manufacturing of concrete products; and (b) Accessory structures and uses related to the storage and/or maintenance of stored materials and products. This condition specifically prohibits the use of the subject property for the following uses: Asphalt or Concrete Plant, Manufacturing, Mining or Quarrying, and/or Rock Crushing.
2. A concrete/masonry wall at least eight feet in height shall be constructed parallel to the south and west property lines of the subject property. Said wall shall be set back a minimum distance of 50 feet from the west property line and 30 feet from the north right-of-way line of 35<sup>th</sup> Street North.
3. There shall be a 50-foot landscape buffer maintained along the west and south line of the subject property in conjunction with the solid screening wall. This buffer shall provide the equivalent of, at minimum, one tree per 20 feet. The existing tree rows may be used to meet the condition of one tree per 20 feet if the existing trees are located on the subject property. Where there are gaps, a double staggered row of a mixture of evergreen and deciduous trees shall be installed with one tree per 40 feet in each row with the planting size of the trees meeting the requirements of the landscape ordinance.
4. At the time of platting the applicant shall dedicate a 50-foot wide bike path easement along the west line of the subject property.
5. The detention pond required by the plat shall be located at the north end of subject property.
6. Storage of concrete products and materials shall commence at the north end of the subject property and work southwards.
7. A site/landscaping plan for the screening wall and landscape buffer shall be submitted for approval by the Planning Director within 60 days of approval of the zone change request. The subject property shall be developed in general conformance with site/landscaping plan, and all

improvements shown on the plan shall be completed prior to use of the subject property for the storage of concrete products.

8. The height of stored concrete products shall be limited to 10 feet within 100 feet of the wall and 15 feet elsewhere on the property.
9. The existing fence, trash, and debris along the south and west property lines shall be removed prior to use of the subject property for the storage of concrete products.
10. Upon development of subject property any blowing dust shall be minimized by routinely spraying water on unpaved surfaces.
11. No off-site or portable signs shall be permitted.
12. At the time of platting the applicant shall submit a No Protest Agreement for the future paving of 35<sup>th</sup> Street North.
13. The subject property shall be platted within one year but prior to use of the subject property for storage of concrete products. The plat shall include an approved drainage plan that prevents the run-off of any concrete products or materials into the adjacent creek on the west.
14. Within 60 days of approval of the zone change request, a voluntarily-offered restrictive covenant shall be submitted that places requirements A-G as stated in the letter from the applicant's agent dated April 4, 2005 and revised April 14, 2005 on the applicant's existing property to the east.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, September 20, 2005.

---

Carlos Mayans, Mayor

**ATTEST:**

---

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

---

Gary E. Rebenstorf, City Attorney